

इसे वेबसाईट www.govtpressmp.nic.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 154]

भोपाल, शुक्रवार, दिनांक 7 अप्रैल 2017—चैत्र 17, शक 1939

खाद्य, नागरिक आपूर्ति एवं उपभोक्ता संरक्षण विभाग
मंत्रालय, वल्लभ भवन, भोपाल

NOTICE

Bhopal, the 7th April 2017.

No. 7-12/2016/29-1; Whereas in the opinion of the State Government it is necessary and expedient to provide food security to the beneficiaries under the National Food Security Act, 2013 (20 of 2013);

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 40 of the National Food Security Act, 2013 (No. 20 of 2013) by the Ministry of Law & Justice, Government of India, the State Government proposes to make Madhya Pradesh Food Security Rules, 2017, the following draft of rules is hereby published as required by sub-section (1) of Section 40 of the said Act for the information of all person likely to be affected thereby and notice is hereby given that the said draft of rules shall be taken in to consideration on the expiry of 15 days from the date of publication of this notice in the Madhya Pradesh Gazette.

Any objection or suggestion which may be received at Commissioner, Directorate of Food, Civil Supplies and Consumer Protection, First Floor Block-D, Vindhyachal Bhawan, Bhopal from any person with respect to the said draft of rules before the expiry of the period specified above shall be considered by the State Government.

DRAFT OF RULES

1. Short title, extent and commencement:-

- (1) These Rules may be called the Madhya Pradesh Food Security Rules, 2017.
- (2) They extend to whole State of Madhya Pradesh.
- (3) They shall come in to force from the date of publication in the Madhya Pradesh Gazette.

2. Definitions.- (1) In these Rules, unless the context otherwise requires,-

- (a) "Act" means the National Food Security Act, 2013 (20 of 2013);
- (b) "Appellant" means a party which makes an appeal against the order of the District Grievance Redressal Officer;
- (c) "Chairperson" means Chairperson of Madhya Pradesh State Food Commission established under section 16 of the Act;
- (d) "Complaint" means and includes a representation in writing or through electronic means containing a grievance alleging deficiency/shortcomings in the implementation of the Act;
- (e) "District Grievance Redressal Officer" means Collector of the district authorized by the State Government under the National Food Security Act to dispose the complaints in the Districts.
- (f) "Food Commission" means Madhya Pradesh State Food Commission constituted under section 16 of the Act for the purpose of monitoring and review of implementation of the Act;
- (g) "Member" means Member of the State Food Commission;
- (h) "Member-Secretary" means Member-Secretary of the State Food Commission.

(2) Words and expressions used in these rules but not defined in these rules, shall have the same meaning as assigned to them in the Act or other relevant Acts/Rules.

3. **Woman Empowerment.-** The State Government shall issue guidelines in regard to specify procedure for entering the names of eldest women of the households as head of the household as per provisions of Act.

4. **Internal Grievance Redressal Mechanism.-**

- (1) For the purposes of redressing grievances as part of internal Grievance Redressal Mechanism under Section 14 of the Act, following officers shall act as Nodal Officers at the District level, namely:-

| | | |
|----|------------------------------|---|
| 1. | Chief Executive Officer | Panchayat and Rural Development Department |
| 2. | District Food Supply Officer | Food, Civil Supplies and Consumer Protection Department |
| 3. | District Program Officer | Women and Child Development Department |

- (2) Any person or Institution can lodge complaint with concerned nodal officer in writing or through e-mail. Every complaints shall be assigned unique complaint number with date and informed to the complainant.
- (3) The nodal office shall redress the complaints within 30 days from the date of receipt of the complaint.
- (4) The beneficiaries under National Food Security Act may file complaint through CM Helpline number.
5. **District Grievance Redressal Officer.-** The State Government shall authorize an officer in each District to perform as District Grievance Redressal Officer.
6. **Procedure for registering of complaint before District Grievance Redressal Officer.-**

- (1) Any aggrieved person may register his complaint to the District Grievance Redressal Officer in writing or through e-mail or by dropping their written grievance in grievance boxes at the office of District Grievance Redressal Officer.
- (2) The complaint boxes shall be opened at 4 pm every day for collection of complaints and entering in register.

- (3) In the event of lodging complaint in the office of District Grievance Redressal Officer, a receipt of the said complaint shall be given to the aggrieved person after completing registration.
- (4) Complaint shall be filed with specific detailed and contact information of the complainant. No anonymous complaint shall be entertained.
- (5) Every complaints shall be assigned unique complaint number with date.

7. Procedure of disposal of complaints.-

- (1) For every complaint received, the District Grievance Redressal Officer shall verify whether there is a prima-facie substance in the complaint to proceed in the matter.
- (2) If the District Grievance Redressal Officer is satisfied, that there is prima-facie substance in the complaint, he shall seek explanation in the matter from concerned officer or person or agency along with relevant documents. The requisite explanation and documents shall be furnished by the concerned officer/person/agency to the District Grievance Redressal Officer, within fifteen days.
- (3) Based on the explanation of concerned officer or person or agency and the available documents, if the District Grievance Redressal Officer is satisfied about the veracity of the grievance, he shall redress the complaint within 30 days from the date of receipt of the complaint. District Grievance Redressal Officer shall dismiss the complaint, in case no merit is found.
- (4) If the District Grievance Redressal Officer feels that the matter needs to be further examined, he may,-
 - (i) get the matter enquired by a suitable officer of the State Government at District level and decide on the basis of report so received within 45 days from the date of receipt of the complaint, or
 - (ii) if considered necessary, give an opportunity to the complainant and officer/person/agency concerned with the complaint, to present their case on a fixed date and after having heard them and taking into consideration the evidences submitted, decide the matter within 45 days from the date of receipt of the complaint.
- (5) On the date fixed for hearing, if the complainant is absent, the District Grievance Redressal Officer may dismiss the complaint or proceed to enquire the matter ex-parte and decide. If, however, the officer/person/agency

concerned with the complaint, called by the District Grievance Redressal Officer is absent on the date fixed by him, he may proceed to enquire the matter ex-parte and decide.

- (6) The complainant shall be informed of the decision on his complaint in writing or through electronic mode, with a system for confirmation of its receipt by complainant.
- (7) If the District Grievance Redressal Officer is of the opinion that the disposal of the complaints requires more time than prescribed under sub-clause (4) above, the Complainant shall be sent an interim reply citing the reasons for delay.
8. **Powers of District Grievance Redressal Officer.-** The District Grievance Redressal Officers, while enquiring into complaints, shall have powers to require any concerned official/persons at District/field level-
 - (a) to produce before, and allow to be examined such books, accounts, documents or any other material in custody or under control of the persons so required as may be specified in the requisition.
 - (b) to furnish such information as may be required.
9. **Periodical Reports:** District Grievance Redressal Officer shall send a monthly report on complaints received and disposed of by him to the State Government by 15th day of the succeeding month through Commissioner Food, Civil Supplies & Consumer Protection.
10. **Appeal.-** Any complainant or officer/person/agency aggrieved with order of the District Grievance Redressal Officers shall file an appeal before Food Commission within 30 days from the date of issuance of the order.
11. **Food Commission.-**
 - (1) For the constitution of the Food Commission as per requirements of Section 16 of the Act, applications shall be called for by the Department of Food Civil Supplies and Consumer Protection of the State Government through advertisement. The scrutiny of the application shall be conducted by the committee comprising of the Senior authorities of the Department of General Administration, Food Civil Supplies and Consumer Protection, Women and Child Development, Panchayat and Rural Development Department and Law & Legal Affair Department. The said committee shall prepare panel the State Government shall select one person from the said panel as Chairperson and 5 others as member.

- (2) Pay and allowances and other facilities of Chairperson and other members shall be decided by the State Government.
- (3) State Government shall make available to the Commission required staff to perform its duties.
- (4) Any member of the Commission may resign from his/her post by a written notice addressed to the Governor and a copy of it shall be given to chairperson of the Commission.
- (5) The notice regarding meeting of the Commission shall be issued by Member-Secretary of the Commission on the direction of the Chairperson. The Commission shall itself frame the guidelines for the adopted procedure regarding meetings of the Commission.

12. Enquiry, Review and Monitoring.-

- (1) Food Commission either suo motu or on receipt of complaint inquire into violation of entitlements provided under Chapter II of the Act.
- (2) For review and monitoring of implementation of the provisions of the Act, the Commission shall hold regular meetings with officers of the concerned departments of the State Government, other concerned agencies, reputed Non-Governmental Organization and give its advice to the State Government for effective implementation of the Act.

13. Procedure for Registering Complaint and Appeals.-

- (1) Complaint regarding violation of entitlements under the Act or appeal against the order of the District Grievance Redressal Officer shall be presented by the complainant or appellant to the Commission in person or by registered post or any electronic mode, addressed to the Member-Secretary of the Commission.
- (2) Any appeal against the order of the District Grievance Redressal Officer shall be filed before the Commission within time-limit prescribed under Rule 9.
- (3) Every appeal shall be accompanied by the certified copy of the order of the District Grievance Redressal Officer and such of the documents as may be required to support grounds of appeal.
- (4) Complaint or appeal shall be filed with specific details and contact information of the complainant.
- (5) No anonymous complaint shall be entertained.

14. Disposal of complaints and Appeals by the Commission.-

- (1) The Commission shall, on receipt of any complaint, seek a report on it from the District Grievance Redressal Officer, along with supporting documents, who shall be required to furnish it within fifteen days.

- (2) Taking into consideration the report of the District Grievance Redressal Officer, and the available documents, the Commission shall issue appropriate orders for redressal of the complaint, within fifteen days from the date of receipt of the report of the District Grievance Redressal Officer.
- (3) In the case of appeal against the orders of the District Grievance Redressal Officer, the Commission shall give an opportunity to appellant and non-appellant to present their cases in person on a fixed date, time and place and after having heard them, decide the appeal within thirty days from the date of receipt of appeal.
- (4) On the date fixed for hearing, it shall be obligatory for the appellant and non-appellant to appear before the Commission, and in case of failure to do so, the Commission may in its discretion either dismiss the case or proceed to enquire the matter ex-parte and decide the appeal within a period of thirty days from the date of receipt of appeal.
- (5) The order of the Commission shall be authenticated by the Member-Secretary or any other officers of the Commission duly authorized by the Commission on its behalf.
- (6) The Commission shall arrange to deliver copies of the decision to the concerned parties within a period of fifteen days from the date of such decision.
- (7) If the Commission is of the opinion that the disposal of the appeal requires more than thirty days, the appellant shall be sent an interim reply citing the reasons for delay.
15. **Maintenance of records.-** The Commission shall maintain all the records, including the appeals and records related to their disposal.
16. **Stamps and Logo.-** The Stamps and logo of the Commission shall be as specified by the State Government.
17. **Transparency and Accountability.-**
 - (1) All information in respect of targeted Public Distribution System, such as fair price shop, names and addresses of Issue Centers of Madhya Pradesh State Civil Supplies Corporation and allocation, lifting and distribution of foodgrains shall be displayed on the website of the department at the State level.
 - (2) Under the scheme, list of identified and eligible households shall be displayed at concerned Gram Panchayats, Government fair price shops and website of the department for perusal of the general public.
 - (3) All records regarding allocated and distributed foodgrains within one year under the Targeted Public Distribution System shall be provided for perusal of general public at Government fair price shop.

18. Social Audit of the Schemes.-

- (1) The State Government may authorize the Gram Panchayats in Rural areas and Municipal Corporation/Nagar Palika/Nagar Parishad in urban areas, for conducting social audit of the schemes mentioned in the Act.
- (2) The State Government may issue guideline in respect of specifying procedure for social audit.

19. Constitution of Vigilance Committees.-

- (1) For ensuring transparent and effective execution of the provisions of the Act and Targeted Public Distribution System, following vigilance committees shall be constituted at State, District, Block and Fair Price Shop level :-

(A) State Level Vigilance Committee :-

| | |
|------------------|---|
| President | Minister, Government of Madhya Pradesh, Food, Civil Supplies and Consumer Protection Department. |
| Members | <ol style="list-style-type: none"> 1. Principal Secretary, Government of Madhya Pradesh, Food, Civil Supplies and Consumer Protection Department. 2. Principal Secretary, Government of Madhya Pradesh, Cooperative Department. 3. Principal Secretary, Government of Madhya Pradesh, Panchayat and Rural Development Department, 4. Principal Secretary, Government of Madhya Pradesh, Woman and Child Development Department. 5. Principal Secretary, Government of Madhya Pradesh, Public Health and Family Welfare Department. 6. Commissioner, Cooperatives and Registrar Cooperatives. 7. Commissioner, Woman Empowerment. 8. Managing Director, M.P. State Civil Supplies Corporation. 9. Managing Director, Madhya Pradesh State Cooperative Bank Limited. 10. Director, Mid Day Meal Scheme. 11. State Advisor for Commissioners in the matters of Food Security in the Supreme Court. 12. Commissioner, Food, Civil Supplies and Consumer Protection, Madhya Pradesh. (Member-Secretary). |

(B) District Level Vigilance Committee :-

| | |
|------------------|---|
| President | Scheduled Castes/Scheduled Tribes/Woman Member of Legislative Assembly nominated by the incharge Minister of the District. |
| Members | <ol style="list-style-type: none"> 1. Commissioner, Municipal Corporation. 2. District Supply Controller/District Supply Officer. 3. District Programme Officer, Woman and Child Development. 4. Chief Medical and Health Officer. 5. Deputy Commissioner/Assistant Commissioner-cum-District Registrar Cooperative Societies. 6. Project Officer, Urban Development Authority. 7. Member-Secretary Chief Executive Officer, District Panchayat/Additional Collector, who does not have liability of District Grievance Redressal Officer. |

(C) Block Level Vigilance Committee :-

| | |
|------------------|---|
| President | President, Janpad Panchayat. |
| Members | <ol style="list-style-type: none"> 1. Chief Municipal Officer of Chief Municipal Council/Nagar Panchayat of Block Headquarter. 2. Project Officer, Woman and Child Development. 3. Block Education Officer. 4. Block Medical Officer. 5. Assistant Supply Officer/Junior Supply Officer. 6. President of Food Committee of Janpad Panchayat. 7. President of Food Committee of Block Headquarter. 8. Two women Sarpanch nominated by the Janpad President. 9. Four ration card holders of eligible category households of Block Headquarter, in which two households are of Antyodaya category (nominated by Janpad President). 10. Two members of Consumer Protection Vigilance Committee at Block level. 11. One representative of Active Voluntary Consumer Association. 12. Chief Executive Officer (Janpad Panchayat), Member Secretary. |

(D) Fair Price Shop Level Vigilance Committee :-**(i) In Urban Area -**

- President** Councilor of that ward where Government Fair Price Shop is situated. If more than one ward is affiliated to the shop, Councillor of other ward shall be Co-President.
- Members**
1. Below Poverty Line ration-card holder of Scheduled Castes.
 2. Below Poverty Line ration-card holder of Scheduled Tribes.
 3. Below Poverty Line ration-card holder of disabled category.
 4. Ration-card holder of Antyodaya category.
 5. Apart from above, 4 members from other families of priority category, thus total 8 members, in which 50% shall be woman. In the event of more than one ward, equal representation shall be from each ward.
 6. Authorized officer/employee of urban ward in which fair price shop is situated. (Member Secretary)

(ii) In Rural Area -

- President** Sarpanch of that Panchayat in which Government Fair Price Shop is situated. If more than one Gram Panchayat is affiliated to the shop, Sarpanch of other Panchayat shall be Co-President.
- Members**
1. Below Poverty Line ration-card holder of Scheduled Castes.
 2. Below Poverty Line ration-card holder of Scheduled Tribes.
 3. Below Poverty Line ration-card holder of disabled category.
 4. Ration-card holder of Antyodaya category.
 5. Apart from above, 4 members from others households of priority category, thus total 8 members, in which 50% shall be women. Equal representation shall be from each Gram Sabha.
 6. Panchayat Secretary of that Gram Panchayat in which Government Fair Price Shop is situated (Member Secretary).

(2) Tenure and work of Vigilance Committee –

(A) For better execution of the Act, the Vigilance Committee shall be

constituted by the State Government for a period of 5 years but tenure of nominated non-government members of local bodies/Panchayats shall be till their election period.

(B) Works of Vigilance Committee shall be as under :

- (i) Regular monitoring of execution of all schemes provided under the Act.
 - (ii) On violation of Public Distribution System, Fair Price Shop/ Block level Vigilance Committee shall inform in writing to the District Grievance Redressal Officer and committees shall be informed after taking action on it.
 - (iii) Meeting of State Level Committee in 3 months, meeting of District Level Committee in 2 months and meeting of Block and Fair Price Shops Level Committee shall be conducted every month.
 - (iv) In the event of absence of President of Fair Price Shop level committee in the meeting, meeting shall be conducted under the Chairmanship of senior most non-government member fixed by the Committee.
 - (v) Vigilance Committee shall inform in writing regarding irregularities in execution of the Act the District Grievance Redressal Officer.
- (3) Procedure for removal of non-government members from the Committee on being bankrupt/guilty/incompetent: In the event of Non-government member being bankrupt, convicted or physically or mentally unable to perform his duty or misusing his power can be removed by the appointee of Committee.

By order and in the name of the Governor of Madhya Pradesh,
B. K. CHANDEL, Dy. Secy.